

DELTA PROTECTION COMMISSION

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**AGENDA ITEM #15**

January 15, 1999

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Request for Commission to Sponsor "Clean Up" Legislation for SB 172 (Rainey)

Background:

In 1977, the Commission supported passage of SB 172, legislation which created a special fund and a statewide grant program to aid in the removal of abandoned recreational vessels and other structures which create hazards in the waters of the State of California.

The grant program is now in its second year. The program carried out by the Department of Boating and Waterways has been very successful in setting up the grant program, distributing the grants, and supporting local governments in their efforts to clear abandoned and wrecked vessels from the waterways.

Proposed Amendments:

Interested parties have been meeting with Senator Rainey to discuss some "clean up" language which may be needed to allow the program to work more efficiently. Possible changes to the program include:

Fund: dissolution of the special fund set up for the program; instead, a line item in the Department of Boating and Waterway's budget would specify the funds for the program.

Due Process: possible amendments to Section 526 to allow law enforcement officials to hold lien sales of impounded vessels.

Specific language has not yet been prepared. A meeting is scheduled for Tuesday, January 19, 1999 to make final decisions on needed amendments and recommend language. Available material will be distributed at the Commission meeting. There is a need for the Commission to consider this matter at the January meeting; all bills must be submitted by February 19, 1999.

A copy of the Legislative Analyst's Digest of SB 172 is attached.

Staff Recommendation:

Review specific amendment recommendations at the January 28, 1999 Delta Protection Commission meeting and determine if the Commission will serve as sponsor to Senator Rainey's legislation.

Senate Bill No. 172

CHAPTER 930

An act to amend Sections 513, 514, 518, 522, 523, 524, and 525 of, and to add Sections 526 and 527 to, the Harbors and Navigation Code, relating to vessels, and making an appropriation therefor.

[Approved by Governor October 12, 1997. Filed
with Secretary of State October 12, 1997.]

On this day I have signed Senate Bill No. 172.

This bill would create the Abandoned Watercraft Abatement Fund (AWAF), establish a grant program for the removal of abandoned vessels, provide a \$500,000 grant to Redwood City, and make changes in the law related to abandoned vessels or wrecked property on public waterways.

I am deleting the appropriation contained in Section 11 which would appropriate a \$500,000 grant to the City of Redwood City for the clean up of abandoned, wrecked, or dismantled vessels. This amount has been appropriated in AB 1188 (Lempert).

PETE WILSON, Governor

LEGISLATIVE COUNSEL'S DIGEST

SB 172, Rainey. Vessels: wrecks and wrecked property.

(1) Under existing law relating generally to vessels, if wrecked property is in a perishable state, the county sheriff is required to apply to the judge of the superior court for an order authorizing the sheriff to sell the property. Existing law requires the proceeds to be paid to the county treasurer, and if it remains in the treasurer's hands more than one year, to the State Treasury.

This bill would require the proceeds to be transmitted to the Treasurer for deposit in the General Fund.

(2) Existing law provides that if any person claims wrecked property within one year after it is found, the judge is required to make an order directing the officer in whose possession the property or its proceeds may be, to deliver it to the claimant, as specified.

This bill would reduce that period to 90 days.

(3) Existing law requires the sale of wrecked property if, within one year after saving the wrecked property, no claimant appears, or in other specified circumstances. Under existing law, the proceeds of the sale, after deducting court-approved salvage and expenses, are required to be paid into the State Treasury.

This bill would reduce that period to 90 days. The bill would also require the deduction of storage, property tax liens, other liens, and other expenses from the proceeds of the sale and would require the proceeds of the sale to be transmitted to the Treasurer for deposit in the General Fund.

(4) Existing law authorizes the sale of any hulk, derelict, wreck, or parts of any ship, vessel, or other watercraft sunk, beached, or

allowed to remain in an unseaworthy or dilapidated condition upon publicly owned submerged lands, salt marsh, or tidelands within corporate limits of any municipal corporation or other public corporation or entity having jurisdiction or control over those lands, for a period longer than 30 days without a watchman or other person in charge of the property. Existing law specifies that the proceeds of the sale are the property of the municipal corporation or other public corporation or entity.

This bill, instead, would require the proceeds to be transmitted to the Treasurer for deposit in the General Fund.

(5) Existing law authorizes specified peace officers and other persons to remove vessels from public waterways and private property under certain circumstances.

This bill also would authorize the storage of vessels removed under prescribed circumstances, including when it poses a threat to adjacent wetlands, levies, sensitive habitat, any protected wildlife species, or water quality.

The bill would authorize the sale or other disposal of property of less than \$300 value by the public agency that removed it under specified conditions, and would require the proceeds to be deposited into the Abandoned Watercraft Abatement Fund, which would be created by the bill, for grants to local agencies, as specified.

(6) Existing law prohibits any person from abandoning a vessel upon a public waterway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. Under existing law, a violation of this prohibition is an infraction and is punishable by a fine of not less than \$50.

This bill would increase that fine to not less than \$500 nor more than \$1,500. The bill would prescribe a formula for the allocation of fines imposed and collected pursuant to this provision. The bill would prescribe the purposes for which moneys in the Abandoned Watercraft Abatement Fund may be used upon appropriation.

(7) The requirements imposed upon judges and peace officers by the bill would impose a state-mandated local program.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(9) The bill would require the Controller to transfer \$500,000 from the Harbors and Watercraft Revolving Fund to the Abandoned Watercraft Abatement Fund and would appropriate that amount to the Department of Boating and Waterways for prescribed purposes. In addition, the bill would appropriate \$500,000 from the Harbors and Watercraft Revolving Fund to the City of Redwood City for cleanup of abandoned, wrecked, and dismantled vessels, as specified.

The bill would also declare the intent of the Legislature to appropriate not more than \$1,000,000 annually from the Harbors and Watercraft Revolving Fund and that grants from the fund be matched by not less than a 10% contribution from local agency grantees.

Appropriation: yes.